See 13 HARV. L. REV. 225. But an agreement between a landowner and an outsider for payment for planting trees or making other improvements to land is generally held not to be within the statute. *Frear* v. *Hardenbergh*, 5 Johns. (N. Y.) 272; *Lower* v. *Winters*, 7 Cow. (N. Y.) 263. But see *Falmouth* v. *Thomas*, 1 Cromp. & M. 89, 108. The reasoning is that such an agreement is simply a contract for payment for certain labor and chattels to be applied in a given manner, and does not effect a transfer of any interest in the land. The agreement in the principal case comes within this reasoning, so that it seems unnecessary to resort to equitable principles to justify the recovery.

TORTS — UNFAIR COMPETITION — PIRACY OF NEWS. — The Associated Press brought a bill in equity against the International News Service asking that the latter be enjoined, *inter alia*, from copying news from bulletin boards and early editions of complainant's newspapers and selling this, either bodily or after rewriting it, to defendant's customers, until its commercial value as news to the complainant and all of its members had passed away. *Held*, such acts constitute unfair competition, complainant has a limited property in news gathered by it, and a preliminary injunction will be granted. *International News Service* v. *The Associated Press*, U. S. Sup. Ct., December 23 (October Term, No. 221), 1918.

For a discussion of this case, see NOTES, page 566.

BOOK REVIEWS

A SHORT TREATISE ON CANADIAN CONSTITUTIONAL LAW. By A. H. F. Lefroy. Toronto: Carswell Company. $4.00.

Mr. Lefroy has written a valuable and informative book. American lawyers are in general lamentably ignorant of the working of federalism in the two great English commonwealths; and it has been in the past the excuse that books like Mr. Lefroy's larger treatise on Canada and Mr. Moore's admirable volume are too large for anyone save the student of details. Mr. Lefroy's book removes the basis for this excuse, so far, at least, as Canada is concerned. In three hundred pages he gives us an admirable summary of the main legal hypotheses of Canadian federalism and a mass of notes which refer to the more important cases on the subject. Professor Kennedy of Toronto contributes a useful historical introduction in which Canadian constitutionalism prior to 1867 is discussed.

One or two observations of special importance may be noted. Legally the question meets us on the threshold as to whether Canada is to be regarded as a federation at all. If *A. G. for Australia* v. *Colonial Sugar Refining Co.*, [1914] A. C. 237, is to be accepted as good law, Canada is to be regarded as simply a rather striking instance of decentralization in which old powers were redistributed. Mr. Lefroy argues that it is impossible to accept this point of view. It mistakes a confederation for what may be the same thing in result, but utterly different in its origin. The Federation Act of 1867 clearly intended to recognize national unity in the *milieu* of a very complete right to local self-government, exactly as in the case of the Constitution of the United States.

It is well known that Mr. Lefroy is the urgent advocate of a complete distinction between American and Canadian federalism, and it is worth while to summarize the grounds of his argument. (1) In Canada there is no separation of powers. The existence, both in the federal and provincial governments, of the English parliamentary system, with its fusion of executive and legislature, marks a fundamental difference from the system of America. (2) There

is no such restriction on the legislative power as in things like the Fourteenth Amendment. The limitation of the constitution is not as to the contents of an act but as to its subjects. (3) Residual sovereignty belongs not to the local but to the central government. (4) No popular reserve power of constitutional amendment exists in Canada. This is, without question, an interesting attitude. At least it is certain that the Canadian system did not consciously, as did Australia, attempt the adaptation of the American system to its peculiar problem. Yet it is worth noting that Australia, like Canada, has a parliamentary executive without any marked divergences from American federalism. And both in Canada and Australia the power of judicial review — the real keystone of the federal arch — has been very notably developed, particularly in recent years.

Several minor points of distinct utility may be noted. The remarks on copyright (page 159 *f.*) are wholly admirable and put the problem in the clearest possible light, despite its complexity. The note on estoppel from setting up unconstitutionality as a plea (page 196) is most suggestive. Particularly interesting is the discussion on locally restricted dominion laws (page 88 *f.*). Altogether the volume suggests how differently existing books on American constitutional law might be written if they were intrusted to people with Mr. Lefroy's broad constitutional insight. His work, on its scale, is a model for American lawyers to emulate. H. J. L.

A Source-Book of Military Law and War-Time Legislation. Prepared by the War Department Committee on Education and Special Training. St. Paul: West Publishing Company. 1919.

The idea of establishing a Students' Army Training Corps in the colleges of the country was well conceived. It is probable that in practice the plan would eventually have worked out well, and that there would have been a reservoir from which young officers could have been drawn. The wisdom of establishing units of the S. A. T. C. in the law schools was much more doubtful. The leading law schools of the country had already been drained of all the students who were available for military service in any form. Only in schools in which high school graduates were admitted could be found possible officer material in any numbers. The plan of the Committee on Education and Special Training of the War Department included a course on International Law, one on Military Law, one on War-Time Legislation, and one on War Issues; and such ordinary law courses as time allowed. It would seem that the committee in attempting to provide for the imparting of information of practical military value and for the general intellectual training of the student in order to make him a more useful member of the army, and in attempting at the same time to assist him in preparing for his subsequent career at the bar, was attempting to ride several horses with very different gaits — a difficult feat even for the War Department. It is difficult to see just what would have been the advantage to the military establishment in keeping students in the law schools. A smattering of legal knowledge would hardly make a young man — certainly not one from eighteen to twenty-one years of age — more useful in the army, even though that knowledge should include a few weeks' acquaintance with International Law, Military Law, and such statutes as the National Defense Act, the Shipping Board Act, the Espionage Act, and the War Risk Insurance Act. And useful as such knowledge is, it could hardly take the place of the usual law courses as a preparation for the practice of the law.

However this may be, if the S. A. T. C. was to be established in the law schools, it was necessary to provide material for the courses to be pursued.